

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KNOLL, INC.,	:	
	:	04 CIV. 8800 (DLC)
Plaintiff,	:	ECF CASE
	:	
- v -	:	ARTHUR GORDON ASSOCIATES'
	:	<u>REDACTED</u> NOTICE OF MOTION
ARTHUR GORDON ASSOCIATES,	:	FOR SUMMARY JUDGMENT
d/b/a GORDON INTERNATIONAL,	:	<u>RE: LACHES</u>
	:	
Defendant.	:	
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KNOLL, INC.,	:	
	:	
Plaintiff,	:	
	:	
- v -	:	04 CIV. 8801
	:	
PALAZZETTI EXPRESS, INC.,	:	
	:	
Defendant.	:	
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CASPRINI GRUPPO INDUSTRIALE S.p.A.,	:	
	:	
Plaintiff,	:	
	:	
- v -	:	04 CIV. 9787
	:	
KNOLL, INC.,	:	
	:	
Defendant.	:	
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Arthur Gordon Associates (hereinafter "Gordon"), through its undersigned counsel, files this motion for summary judgment asking the Court to dismiss Plaintiff's claims of trademark infringement, unfair competition and trademark dilution on the ground of laches. This case involves Gordon's sale of furniture reproductions patterned after the designs of Ludwig Mies van der Rohe, namely, the Barcelona chair, the Barcelona stool, the Barcelona couch and the

Barcelona table, and the Flat Brno chair (hereinafter collectively referred to as the "Barcelona Collection").

As grounds for summary judgment, Gordon asserts that there is no genuine issue of fact that Plaintiff, Knoll, Inc. (hereinafter "Knoll"), has known about Gordon's sale of the Barcelona Collection since the early 1980's and that Knoll never protested Palazzetti's sales of those furniture designs until October of 2004, followed by the filing of this civil action on November 5, 2004. For over two decades, Gordon developed a successful business selling reproductions of the Barcelona Collection based on Knoll's inaction and the reasonable belief those furniture designs were in the public domain. An injunction prohibiting Gordon from selling the Barcelona Collection will significantly hinder Gordon's ability to effectively compete in the sale of modern classic furniture because its modern classic collection would be noticeably incomplete and missing the core and prestige pieces in that product line.

It is beyond cavil that Knoll "sat on its hands" for an unreasonably long time before lodging a protest against Gordon's sale of the Barcelona Collection furniture. At this late date, it would be inequitable and unfairly prejudicial to enjoin Gordon from selling the Barcelona Collection.

This motion is supported by the legal Memorandum, affidavits, and Statement of Uncontested Facts filed herewith.

**ARTHUR GORDON ASSOCIATES, INC. *d/b/a*
GORDON INTERNATIONAL**

Date: April 29, 2005

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